United States District Court Southern District of Texas

ENTERED

July 11, 2024 Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

§ § § Leon Wolt and Debra Wolt, § Plaintiffs, § Civil Action No. 4:22-cy-2503 § v. § § Embankscape Equipment, d/b/a RC Mowers USA, Kar-Tech, Inc., Kar-Tech Global, Inc., Ariens § Company, d/b/a Gravely, § § Defendants.

ORDER ON DISCOVERY MOTIONS

On July 11, 2024, the Court convened a hearing to address two discovery motions, one filed by Plaintiffs Leon Wolt and Debra Wolt ("the Wolts"), Dkt. 56, and another filed by Defendant Kar-Tech, Inc. ("Kar-Tech"), Dkt. 60. See Dkt. 58, 62 (notices of hearing); Dkt. 57, 67 (notices of referral). Before the hearing occurred, the parties had resolved most of the issues raised in their motions. The following memorializes the Court's rulings from the bench on the few remaining disputes.

Kar-Tech's motion for protective order (Dkt. 60). Kar-Tech filed this motion in response to the Wolts' challenge to the confidentiality designations for certain documents that Kar-Tech had produced. As of the hearing, the only lingering dispute concerned Kar-Tech's documents labeled "Product Detail

Report," and Bates-numbered Kar-Tech 000094 through 108. According to Kar-Tech, the negotiated price structures contained in those documents are properly classified as confidential pursuant to the protective order. See Dkt. 60 at 5. The Wolts explained, however, that Kar-Tech redacted those confidential price structures when producing these documents. See Dkt. 66 at 3-4. The Court thus concludes that these documents, as produced in their redacted form, do not qualify as confidential. Accordingly, the confidentiality designations on Kar-Tech 000094 through 108 are STRICKEN.

The Wolts' second motion to compel (Dkt. 56). At the hearing, the Wolts clarified that their motion seeks documents responsive to their second motion to compel production to the extent those documents concern another model of mower—the TK-60XP—rather than other non-mower devices. The Court agrees that responsive documents regarding the TK-60XP must be produced. It is therefore **ORDERED** that those documents be produced by **July 29, 2024**.

Finally, the Court addressed the Wolts' concern that Kar-Tech has not produced an unspecified number of communications or other documents sent to or received from Defendant Embankscape Equipment, LLC that Embankscape has produced. This asymmetry in Defendants' productions

 $^{^1}$ For clarity, the Wolts have not requested, and the Court is <u>not</u> requiring, that Kar-Tech produce unredacted versions of these documents.

raises legitimate questions about the completeness of Kar-Tech's production. The Court therefore directs Kar-Tech to inform the Wolts, by July 18, 2024, what repositories of documents and communications have been searched, and which Kar-Tech custodians' emails have been searched. Consistent with its discovery obligations, Kar-Tech must undertake a thorough search of its electronic and other files and ensure that its production is complete.

Signed on July 11, 2024, at Houston, Texas.

Konne Y. Ho

United States Magistrate Judge